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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9954

EXEMPTION OF JOHN MONROE JOHNSON FROM COMPULSORY RETIREMENT FOR AGE

NOTE: Executive Order No. 9954 was filed with the Division of the Federal Register as F. R. Document No. 48-3808, on April 26, 1948, at 4:32 p. m.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLE UNDER THE VETERANS' PREFERENCE ACT OF 1944

APPEALS INVOLVING LOYALTY

Section 22.1 is amended by the addition of a new paragraph (b-1) as follows:

§ 22.1 *Applicability of regulations.* * * *

(b-1) *Appeals involving loyalty.* The regulations in this part are not applicable to cases of adverse decisions based on grounds raising a question of the appellant's loyalty to the Government of the United States. Appeals in such cases will continue to be entertained by the Commission, but referred to the Loyalty Review Board of the Commission for appropriate decision in accordance with the regulations of the Loyalty Review Board issued under authority of Executive Order 9835 (Parts 200-230 of this title).

(Secs. 11, 14, 58 Stat. 387; 5 U. S. C. Sup. 860, 863)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-3767; Filed, Apr. 27, 1948; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Bulletin NSCP-1201, Supp. 1]

PART 706—NAVAL STORES CONSERVATION PROGRAM

SUBPART G—1948

Paragraph (b) *Required performance,* of § 706.901 is hereby amended, as follows:

Delete the concluding sentence, which reads: "Such approval will be limited to areas where the land is to be converted to other agricultural use, and no payment will be made for any faces in such areas." and substitute therefor: "In cases where such approval is given for specific drifts or tracts of the turpentine farm, no payment will be made for any faces in such drifts or tracts."

Paragraph (b) *Continuation of faces on trees of proper size,* of § 706.902 is hereby amended, as follows:

Under the "Performance" provision of this paragraph (b) delete the following: *"Provided, however,* That faces installed in the 1945 season which do not meet the above requirements, but were approved for payment under the 1947 program, will be accepted under this practice if such faces are still being worked in 1948." and substitute therefor: *"Provided, however,* That faces installed during or after the 1945 season which do not meet the above requirements, but were approved for payment under a previous program, will be accepted under this practice if such faces are still being worked in 1948."

(49 Stat. 1148, 52 Stat. 746; 16 U. S. C. and Sup. 590g to 590q.

Issued at Washington, D. C., this 22d day of April 1948.

[SEAL] N. E. DODD,
Acting Secretary.

[F. R. Doc. 48-3758; Filed, Apr. 27, 1948; 8:48 a. m.]

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 944—MILK IN THE QUAD CITIES MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN QUAD CITIES MARKETING AREA

Sec.

AUTHORITY: §§ 944.0 to 944.14, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.; sec. 102 Reorg. Plan 1 of 1947, 12 F. R. 4534.

§ 944.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Quad Cities marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order as amended, and as hereby further amended, will tend to effectuate the declared policy of the act:

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective by not later than May 1, 1948. Any delay beyond May 1, 1948 in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Quad Cities marketing area for May and succeeding months. The nature and provisions of the order amending the order, as amended, are well known to the handlers in the market since the hearing was held on November 21–22, 1947, the recommended decision was filed on March 2, 1948 (13 F. R. 1192), and the final decision was executed by the Secretary on April 14, 1948 (13 F. R. 2105), which final decision sets forth the need for the amendment. Compliance with the order amending the order, as amended, will not require any preparation on the part of the handlers which cannot be completed by May 1, 1948. It is hereby found and determined, in view of these facts and circumstances, that good cause exists for making this order amending the order, as amended, effective May 1, 1948; and that it would be contrary to the public interest to delay the effective date of this order amending the order, as amended, to a date later than May 1, 1948.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, amending the order, as amended, which is marketed within the Quad Cities marketing area) refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Quad Cities marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practicable means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Quad Cities marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (November 1947) were engaged in the production of milk for sale in the Quad Cities marketing area.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments hereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Quad Cities marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as

hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 944.1 *Definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as may be authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(c) "Quad Cities marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline and Silvis, Illinois; together with the territory lying within the following townships: Davenport, Rockingham, and Pleasant Valley in Scott County, Iowa; and South Moline, Moline, Blackhawk, Coal Valley, Hampton, and South Rock Island in Rock Island County, Illinois.

(d) "Department of Agrculture" means the United States Department of Agriculture or such other Federal Agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

(e) "Person" means any individual, partnership, corporation, association or any other business unit.

(f) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

(g) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines: (1) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (2) has full authority in the sale of milk of its members; and (3) is engaged in making collective sales of or marketing milk or its products for its members.

(h) "Producer" means any person irrespective of whether such person is also a handler, who produces milk which (1) is received at a plant from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (2) is caused by a cooperative association to be diverted from a plant described in subparagraph (1) of this paragraph to a plant from which no milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area. This definition shall not include a person who produces milk which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempted from the provisions of this order pursuant to § 944.6 (b).

(i) "Handler" means (1) any person with respect to all milk received at a plant operated by him, from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (2) a cooperative association with respect to the milk of any producer which it causes to be delivered to a plant described in subparagraph (1) of this paragraph, or which it causes to be diverted from such a plant to a plant from which no milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area.

(j) "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*: That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

(k) "Producer milk" means all skim milk and butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

(l) "Grade A milk" means producer milk which is produced in conformity with the Grade A quality requirements of the milk ordinance of any of the several municipalities in the marketing area or the Grade A Milk and Grade A Milk Products Law of the State of Illinois.

(m) "Emergency milk" means milk which is permitted by the health authorities of any of the several municipalities in the marketing area to be labeled "Grade A" and which is received by a handler from sources other than producers or other handlers during any delivery period in which the market administrator determines that the supply of Grade A milk available to such handler is insufficient to fulfill his Class I and Class II requirements for Grade A milk.

(n) "Other source milk" means all skim milk and butterfat except that contained in producer milk, in emergency milk, and in non-fluid milk products disposed of in the form in which received without further processing or packaging.

§ 944.2 *Market Administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Make rules and regulations to effectuate the terms and provisions hereof;

(3) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including but not limited to the following:

(1) Within 30 days following the date upon which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 944.11, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 944.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such person as the Secretary may designate;

(6) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(7) Publicly announce unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made (i) reports pursuant to § 944.3 or (ii) payments pursuant to §§ 944.8, 944.9, 944.10 and 944.11;

(8) On or before the 10th day after the end of each delivery period, report to each cooperative association the amount and the classification of milk caused to be delivered by such cooperative association to any handler, if such amount or classification reported by the handler differs from that reported by the cooperative association;

(9) Audit each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day of each delivery period, (*a*) the minimum prices for Class I milk and Class II milk computed pursuant to § 944.5 (a) (1) and (2) for the current delivery period and the butterfat differentials computed pursuant to § 944.5 (b) (1) and (2) for the current delivery period, and (*b*) the minimum prices for Class III milk and Class IV milk computed pursuant to § 944.5 (a) (3) and (4) for the previous delivery period, and the butterfat differentials computed pursuant to § 944.5 (b) (3) and (4) for the previous delivery period, and

(ii) On or before the 10th day of each delivery period the uniform prices computed pursuant to § 944.7 (b), and the butterfat differential computed pursuant to § 944.8 (b) for the pervious delivery period; and

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

§ 944.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipt and utilization.* On or before the 5th day of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator;

(1) The quantities of skim milk and butterfat contained in (or used in the production of) all receipts within the previous delivery period of (i) producer milk, (ii) emergency milk, (iii) skim milk and butterfat in any form from other handlers, and (iv) other source milk, and the sources thereof;

(2) The utilization of all receipts required to be reported pursuant to subparagraph (1) of this paragraph; and

(3) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to: (1) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including non-fluid milk products disposed of in the form in which received without further processing or packaging; (2) the weights and tests for butterfat and for other content of all skim milk, milk, cream, and milk products handled; (3) payments to producers and cooperative associations; and (4) the pounds of skim milk and butterfat contained in or represented by all skim milk, milk, cream, and milk products on hand at the beginning and at the end of each delivery period.

§ 944.4 *Classification*—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat received during the delivery period by a handler from producers or from other handlers, or as emergency milk or other source milk shall be classified by the market administrator pursuant to the following provisions of this section:

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the classes of utilization shall be as follows:

(1) *"Class I milk"* shall be all skim milk and butterfat disposed of in fluid form for consumption as skim milk or milk and all skim milk and butterfat not specifically accounted for under subparagraphs (2), (3) and (4) of this paragraph.

(2) *"Class II milk"* shall be all skim milk and butterfat disposed of in fluid form for consumption as cream (including any cream product in fluid form containing 6 percent or more of butterfat), flavored milk, flavored milk drinks and buttermilk.

(3) *"Class III milk"* shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, ice cream and ice cream mix, cottage cheese, unsalted butter, or any milk or cream product other than those specified in Class II milk or Class IV milk.

(4) "Class IV milk" shall be all skim disposed of as animal feed and all skim milk and butterfat: (i) used to produce salted butter, casein and American type Cheddar cheese; (ii) in shrinkage up to 2 percent of receipts from producers and cooperative associations and of emergency milk; and (iii) in shrinkage of other source milk.

(c) *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(1) Compute the total shrinkage of skim milk and butterfat for each handler.

(2) Prorate the resulting amounts between the receipts (except those from other handlers who are not cooperative associations) of skim milk and butterfat (i) from producers and cooperative associations and emergency milk and (ii) from other sources.

(3) In the case of a handler who received both Grade A milk and non Grade A producer milk, the amount of shrinkage determined pursuant to subparagraph (2) (i) of this paragraph shall be further prorated between (i) Grade A milk and emergency milk and (ii) non Grade A producer milk.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat received by a handler shall be Class I milk, unless the handler who first receives such skim milk or butterfat can prove to the market administrator that it should be classified otherwise.

(2) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream to another handler, except a producer-handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transfer or diversion occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee handler: *Provided,* That if either or both handlers have received other source milk such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(2) As Class I milk if transferred to a producer-handler in the form of milk or skim milk and as Class II milk if transferred in the form of cream.

(3) As Class I milk if transferred or diverted in the form of milk or skim milk, and as Class II milk if transferred in the form of cream to a non-handler's plant unless (i) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and non-handler on or before the 5th day after the end of the delivery period within which such transfer or diversion occurred, (ii) such non-handler maintains books and records showing the utilization of all skim milk and butterfat at his plant, which are made available if requested by the market administrator for the purpose of verification, and (iii) such non-handler's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided,* That if verification of such non-handler's records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in series beginning with the next higher price classification in which such non-handler had utilization.

(f) *Receipts from a cooperative association.* Skim milk and butterfat caused to be delivered from a producer to any other handler by a cooperative association shall be ratably apportioned over the receiving handler's total utilization of milk remaining after the subtraction of other source milk and receipts from other handlers which are not cooperative associations. If both Grade A and non Grade A producer milk have been caused to be so delivered they shall be apportioned separately over the uses of each type of milk.

(g) *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk, and Class IV milk for such handler.

(h) *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to paragraph (g) of this section, the market administrator shall determine the classification of milk received from producers as follows:

(1) Skim milk shall be allocated in the following manner:

(i) Subtract from the total pounds of skim milk in Class IV the pounds of skim milk determined pursuant to paragraph (b) (4) (ii) of this section.

(ii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced class in which the handler has use, the pounds of skim milk contained in other source milk.

(iii) Allocate the remaining pounds of skim milk contained in Grade A milk received from producers, cooperative associations, and other handlers and emergency milk to the highest priced classes in which the handler has use, and allocate the remaining pounds of skim milk contained in non Grade A milk received from producers, cooperative associations, and other handlers to the lowest priced

classes remaining in which the handler has use.

(iv) If the amounts of skim milk allocated pursuant to subdivision (iii) of this subparagraph are less than the total amount of skim milk remaining after making the subtraction pursuant to subdivision (ii) of this subparagraph, the remaining pounds of skim milk shall be ratably apportioned between the skim milk allocated to Grade A milk and emergency milk and that allocated to non Grade A milk.

(v) Subtract from the amounts obtained by adding together the results obtained in subdivisions (iii) and (iv) of this subparagraph, the pounds of skim milk contained in Grade A and non Grade A milk, respectively, received from other handlers which are not cooperative associations in accordance with its classification as determined pursuant to paragraph (e) (1) of this section.

(vi) Add to the remaining pounds of skim milk in Class IV the pounds of skim milk subtracted pursuant to subdivision (i) of this subparagraph.

(vii) Subtract pro rata from the remaining pounds of Grade A and emergency skim milk in each class the pounds of skim milk contained in emergency milk received by the handler.

(viii) Subtract pro rata from the remaining pounds of Grade A and non Grade A skim milk in each class the pounds of Grade A and non Grade A skim milk respectively, caused to be delivered to such handler by a cooperative association.

(ix) If any skim milk has been added pursuant to subdivision (iv) of this subparagraph to either the Grade A or the non Grade A skim milk, the amount so added shall be subtracted from such skim milk in series beginning with the lowest priced classification to which Grade A or non Grade A skim milk has been allocated. The amount subtracted pursuant to this subdivision shall be called "overrun."

(2) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in subparagraph (1) of this paragraph.

§ 944.5 *Minimum prices*—(a) *Class prices.* Subject to the provisions of paragraphs (b) and (c) of this section, the minimum prices per hundredweight to be paid by each handler for milk received at his plant during the delivery period shall be as follows:

(1) *Class I milk.* The price for Class III milk for the previous delivery period plus the following premiums during the delivery periods indicated:

Delivery period	Grade A milk	Non grade A milk
January, February, March	$0.90	$0.55
April, May, June	.70	.35
July through December	1.15	.80

(2) *Class II milk.* The price for Class III milk for the previous delivery period plus the following premiums during the delivery periods indicated:

Delivery period	Grade A milk	Non grade A milk
January, February, March	$0.75	$0.40
April, May, June	.55	.20
July through December	1.00	.65

(3) *Class III milk.* The highest of the prices resulting from the computations made pursuant to subparagraph (4) of this paragraph or to subdivision (i) or (ii) of this subparagraph.

(i) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the following plants for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Milk Co., Oregon, Ill.
Carnation Milk Co., Morrison, Ill.
Dean Milk Co., Pearl City, Ill.
United Milk Products, Co., Argo Fay, Ill.

(ii) The price resulting from the following computations:

(*a*) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(*b*) Add an amount equal to 2.4 times the average daily wholesale price per pound of the cheese known as "Twins" in the Chicago market as reported by the Department of Agriculture during the delivery period;

(*c*) Divide the resulting sum by 7;

(*d*) Add 30 percent therof; and

(*e*) Multiply the resulting sum by 3.5.

(4) *Class IV milk.* The price resulting from the following computation: multiply by 3.5 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period; add 20 percent thereof; and add any plus amount resulting from the following calculation: subtract 14 cents from the average price per pound of casein and multiply such amount by 2.3. The price per pound of casein to be used shall be the average of the prices for unground casein, f. o. b. manufacturing plants in the Chicago area, as reported by the Department of Agriculture during the delivery period.

(b) *Butterfat differentials to handlers.* If the average butterfat content of the milk allocated to any class by any handler pursuant to § 944.4 (h) is more or less than 3.5 percent there shall be added to the respective class price computed pursuant to paragraph (a) of this section for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the applicable butterfat differential computed as follows:

(1) *Class I milk.* Multiply the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period preceding that in which the milk was received, by 1.40 in the case of Grade A milk, and by 1.35 in the case of non Grade A milk, and divide the resulting amounts by 10.

(2) *Class II milk.* Multiply the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period preceding that in which the milk was received, by 1.40 in the case of Grade A milk, and by 1.35 in the case of non Grade A milk, and divide the resulting amounts by 10.

(3) *Class III milk.* Multiply the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period in which the milk was received by 1.20 and divide the resulting amount by 10.

(4) *Class IV milk.* Multiply the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period in which the milk was received by 1.20 and divide the resulting amount by 10.

(c) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose the market administrator shall add to the specified price the amount of any subsidy or other similar payments being made by any Federal agency in connection with the milk, or product, associated with the prices specified.

(2) If the specified price which the market administrator is required to use for the purpose of determining class prices or for any other purpose is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 944.6 *Application of provisions*—(a) *Producer-handlers.* Sections 944.4, 944.5, 944.7, 944.8, 944.9, 944.10, and 944.11 shall not apply to a producer-handler.

(b) *Handlers subject to other federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports in accordance with the provisions of § 944.3 (c).

(2) If the price which such handler is required to pay under the other order to which he is subject for skim milk and butterfat which would be classified as Class I milk or Class II milk under this order, is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk or Class II milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

§ 944.7 *Determination of uniform prices*—(a) *Computation of the values of milk received from producers.* The values of the Grade A milk and the non Grade A milk received from producers during each delivery period by each handler shall be sums of money computed separately by the market administrator by multiplying the pounds of milk in each class by the applicable class prices and adding together the resulting amounts: *Provided,* That, if the handler had overrun of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overrun by the applicable class prices.

(b) *Computation of prices.* For each delivery period the market administrator shall compute separately the uniform prices per hundredweight for Grade A and non Grade A milk received from producers as follows:

(1) Combine into separate totals the values of Grade A milk and non Grade A milk computed pursuant to paragraph (a) of this section for all handlers who made the reports pursuant to § 944.5 (a) and who made the payments pursuant to § 944.8.

(2) Add to the amounts computed in subparagraph (1) of this paragraph not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of contingent obligations to handlers pursuant to § 944.9.

(3) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 944.8 (b), and multiply the results by the total hundredweight of Grade A and non Grade A milk respectively, represented by the values included in subparagraph (1) of this paragraph.

(4) Divide the resulting amounts by the total hundredweight of Grade A and non Grade A milk, respectively represented by the values included in subparagraph (1) of this paragraph.

(5) Subtract not less than 4 cents nor more than 5 cents from the amounts per hundredweight computed pursuant to subparagraph (4) of this paragraph. The resulting figures shall be the uniform prices for Grade A milk and non Grade A milk, respectively, received from producers.

§ 944.8 *Payment for milk*—(a) *Time and method of payment.* Each handler shall make payment as follows:

(1) On or before the 15th day after the end of the delivery period during which the milk was received, to each producer for milk which was not caused to be delivered to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 944.7 (b) for Grade A milk or non Grade A milk, whichever is applicable.

(2) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk which was caused to be delivered to such handler by such cooperative association, at not less than the value of such milk computed by multiplying the pounds of such milk allocated to each class pursuant to § 944.4 (h) (1) and (2) by the applicable prices provided in § 944.5.

(b) *Producer butterfat differential.* In making payments pursuant to paragraph (a) (1) of this section there shall be added to or subtracted from the uniform price per hundredweight for each one-tenth of 1 percent that the average butterfat content of the milk received from producers is above or below 3.5 percent, an amount computed by adding 20 percent to the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period, and dividing the resulting sum of 10.

(c) *Producer-settlement funds.* The market administrator shall establish and maintain separate funds known as "producer-settlement funds" for Grade A and non Grade A milk, respectively, into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section, §§ 944.6 (b) and 944.9, and out of which he shall make all payments to handlers pursuant to paragraph (e) of this section and § 944.9.

(d) *Payments to the producer-settlement fund.* On or before the 13th day after the end of the delivery period during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 944.7 (a) is greater than the amount required to be paid producers by such handler pursuant to paragraphs (a) (1) and (b) of this section.

(e) *Payments out of the producer-settlement funds.* On or before the 15th day after the end of the delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the delivery period, as determined pursuant to § 944.7 (a) is less than the amount required to be paid producers by such handler pursuant to paragraphs (a) (1) and (b) of this section: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payments from the market administrator shall be considered in violation of paragraph (a) (1) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 944.9 *Adjustment of accounts*—(a) *Errors in payment.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 944.10 *Marketing services*—(a) *Marketing service deduction.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 944.8 (a) (1) shall make a deduction of 6 cents per hundredweight of milk or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such cooperative association.

Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of the delivery period during which the milk was received. Such moneys shall be expended by the market administrator for verification of weights and tests of milk received from such producers and in providing market information to such producers.

(b) *Marketing service deduction with respect to producers who are members of, or are marketing through a cooperative association.* In the case of each producer who is a member of, or who has given written authorization for the rendering of marketing services and the taking of a deduction therefor to a cooperative association, which the Secretary has determined is performing the services described in paragraph (a) of this section, such handler, in lieu of the deduction specified under paragraph (a) of this section, shall deduct from the payments made pursuant to § 944.8 (a) (1) the amount per hundredweight authorized by such producer and shall pay such deduction to the cooperative association entitled to receive it on or before the 15th day after the end of the delivery period during which such milk was received.

§ 944.11 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period during which the milk was received, 3 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts within the delivery period from producers (including such handler's own production and receipts from cooperative associations): *Provided,* That a handler which is a cooperative association shall pay such pro rata share of expense on only that milk of producers received by such cooperative association or caused by such cooperative association to be delivered to a plant from which no milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area.

§ 944.12 *Effective time, suspension or termination, continuing obligations, liquidation*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* The Secretary shall, whenever he finds this order, or any provision hereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision hereof.

(c) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations hereunder the final accrual or ascertainment of which require further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(d) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all accounts, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 944.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 944.14 *Separability of provisions.* If any provision hereof or its application to any person or circumstance, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 22d day of April 1948, to be effective on and after the 1st day of May 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-3756; Filed, Apr. 27, 1948; 8:47 a. m.]

Chapter XXI—Organization, Functions, and Procedure

Subchapter C—Production and Marketing Administration

LABOR CENTERS, HOMES, CAMPS AND FACILITIES

RATIFICATION OF AUTHORITY TO EFFECT LIQUIDATION

Pursuant to the authority vested in me by the Secretary of Agriculture, *It is hereby ordered:*

The order of the Deputy Administrator, Production and Marketing Administration, dated November 3, 1947, (F. R. Doc. 47-9932, 12 F. R. 7284) delegating to the Labor Camp Disposal Officer, Office of the Administrator, Production and Marketing Administration, certain authority to effect liquidation of labor centers, homes, camps, and facilities, is hereby ratified and confirmed and all actions taken under or pursuant to said order are hereby ratified and confirmed.

(R. S. 161, 60 Stat. 1062; Pub. Laws 40, 298, 80th Cong.; 5 U. S. C. 22)

Done at Washington, D. C., this 22d day of April 1948.

[SEAL] RALPH S. TRIGG,
Administrator, Production and Marketing Administration.

[F. R. Doc. 48-3754; Filed, Apr. 27, 1948; 8:46 a. m.]

PART 2327—LABOR BRANCH

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting § 2327.4, see Federal Register Document 48-3754, *supra,* which ratifies the transfer of certain authority to effect liquidation of labor centers, homes, camps and facilities to the Labor Camp Disposal Officer, Office of the Administrator, Production and Marketing Administration, and all actions taken under or pursuant to the order of November 3, 1947.

TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

WYOMING

CROSS REFERENCE: For order revoking Public Land Order 183, which withdrew public lands in Wyoming for the use of the War Department as a bombing range, thereby affecting the tabulation contained in § 501.1, see Public Land Order 469 in the Appendix to Chapter I of Title 43, *infra.*

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4959]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WILLYS-OVERLAND MOTORS, INC., ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Reputation, success or standing:* § 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering.* In connection with the offering for sale, sale and distribution of automotive vehicles in commerce, representing, directly or by implication, that respondent Willys-Overland Motors, Inc., either acting alone or in cooperation or collaboration with the United States Army or with any other agency or party, created or designed the automotive vehicle known as the Jeep; prohibited, subject to the provision, however, that the order shall not prohibit respondents from representing that said respondent participated in and contributed to the developing and perfecting of said vehicle. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Willys-Overland Motors, Inc., et al., Docket 4959, February 27, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 27th day of February A. D. 1948.

In the matter of Willys-Overland Motors, Inc., a corporation, United States Advertising Corporation, a corporation, Ward M. Canaday, individually and as Chairman of the Board of Directors of Willys-Overland Motors, Inc., and of United States Advertising Corporation, Joseph W. Frazer, individually and as President of Willys-Overland Motors, Inc., George W. Ritter, individually and as Vice-President and Secretary of Willys-Overland Motors, Inc., and as Vice-President and Director of United States Advertising Corporation, Delmar G. Roos, individually and as Vice President in Charge of Engineering of Willys-Overland Motors, Inc., Frank H. Canaday, individually and as a Director of United States Advertising Corporation.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, petition of the intervenor, testimony and other evidence, report of the trial examiner upon the evidence and the exceptions to such report, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that certain of the respondents have violated the pro-

visions of the Federal Trade Commission Act:

It is ordered, That respondents Willys-Overland Motors, Inc., a corporation, and United States Advertising Corporation, a corporation, and their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of automotive vehicles in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, directly or by implication, that respondent Willys-Overland Motors, Inc., either acting alone or in cooperation or collaboration with the United States Army or with any other agency or party, created or designed the automotive vehicle known as the Jeep; provided, however, that this order shall not prohibit respondents from representing that said respondent participated in and contributed to the developing and perfecting of said vehicle.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondents Ward M. Canaday, Joseph W. Frazer, George W. Ritter, Delmar G. Roos and Frank H. Canaday.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-3765; Filed, Apr. 27, 1948; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

PACKAGING

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Sup. 357) the regulations for certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231), as amended, are hereby further amended by adding the following new sentence at the end of § 146.24 (b): "In case it is packaged and labeled solely for dental use, it may be packaged in combination with a container of an aqueous solution of a suitable local anesthetic."

This order, which makes provision for penicillin, if for dental use, to be packaged in combination with a local anesthetic, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of penicillin, if for dental use, to be packaged in combination with a local anesthetic.

(52 Stat. 1040, as amended; 21 U. S. C., Sup. 357)

Dated: April 22, 1948.

[SEAL] J. DONALD KINGSLEY, *Acting Administrator.*

[F. R. Doc. 48-3766; Filed, Apr. 27, 1948; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. OR 14]

PART 1—FUNCTIONS AND ORGANIZATION

TREATY COMMITTEE

Under authority of R. S. 161 (5 U. S. C. 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 238), Part 1 of Title 22 of the Code of Federal Regulations is amended by the addition of the following section:

§ 1.2601 *Treaty Committee (TIC)*—(a) *Purpose.* To facilitate coordination of policy problems arising under the treaties of peace with Italy (including Trieste, Hungary, Bulgaria, and Rumania.

(b) *Functions.* The Committee performs the following functions:

(1) Identifies and evaluates present and emerging problems in respect to the peace treaties, of mutual concern to the geographic and functional offices in preparing policy recommendations. In performing this function the Committee serves as a medium for the interchange of information.

(2) Is responsible for coordinating U. S. policy regarding the execution of the peace treaties with the four southern European countries mentioned above.

(3) Gives guidance and facilitates clearance on instructions to the field on treaty matters.

(c) *Membership.* The Committee is composed of representatives of the Office of European Affairs (EUR), Office of International Trade Policy (ITP), Office of Financial and Development Policy (OFD), Legal Adviser (L), Office of Transport and Communications (TRC), Special Assistant to the Secretary for Research and Intelligence (R), Office of Information and Educational Exchange (OIE), Office of Public Affairs (PA), and Office of United Nations Affairs (UNA). Representatives of the Departments of the Army, Navy, and Air Force will be invited to consult on military matters.

(d) *Organization.* The officers are the Chairman (from EUR), the Executive Secretariat (from ITP), and the Secretary (from S/S).

This regulation is effective on the date of publication in the FEDERAL REGISTER.

Issued: March 15, 1948.

Approved: March 15, 1948.

For the Secretary of State.

[SEAL] STANLEY T. OREAR, *Chief, Division of Organization and Budget.*

[F. R. Doc. 48-3786; Filed, Apr. 27, 1948; 8:58 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1948, 20th Supp.]

PART 226—SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

FOUNDERS' FIRE AND MARINE INSURANCE CO.

APRIL 21, 1948.

A certificate of authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved August 13, 1894, 28 Stat. 279–80, as amended by the act of Congress approved March 23, 1910, 36 Stat. 241 (6 U. S. C. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $313,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

Section 226.1 *Surety companies acceptable on Federal bonds; acceptable reinsurance companies* is hereby amended by adding the following company:

Name of Company, Location of Principal Executive Office and State in Which Incorporated

CALIFORNIA

Founders' Fire and Marine Insurance Company, Los Angeles, California.

(28 Stat. 279, 280, 36 Stat. 241; 6 U. S. C. 6–13)

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 48-3763; Filed, Apr. 27, 1948; 8:49 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1948, 19th Supp.]

PART 226—SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

FIREMAN'S FUND INSURANCE CO.

APRIL 21, 1948.

A certificate of authority has been issued by the Secretary of the Treasury to the following company under the act

of Congress approved August 13, 1894, 28 Stat. 279–80, as amended by the act of Congress approved March 23, 1910, 36 Stat. 241 (6 U. S. C. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $2,060,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

Section 226.1 *Surety companies acceptable on Federal bonds; acceptable reinsurance companies* is hereby amended by adding the following company:

Name of Company, Location of Principal Executive Office and State in Which Incorporated

CALIFORNIA

Fireman's Fund Insurance Company, San Francisco, California.

(28 Stat. 279, 280, 36 Stat. 241; 6 U. S. C. 6–13)

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-3764; Filed, Apr. 27, 1948; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Secretary of Defense

[Transfer Order 9]

ORDER TRANSFERRING CERTAIN NONAPPROPRIATED FUNDS FROM THE DEPARTMENT OF THE ARMY TO THE DEPARTMENT OF THE AIR FORCE

Pursuant to the authority vested in me by the National Security Act of 1947 (act of July 26, 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. It having been mutually determined by the Secretary of the Army and the Secretary of the Air Force that the share of the nonappropriated Fund known and accounted for as the "Army Central Welfare Fund" which is available for use by or on behalf of the Air Force is 37.51 percent of the adjusted net worth of that Fund as of September 30, 1947, that Fund is to that extent transferred to the Department of the Air Force for the purposes for which those funds were originally made available in the War Department.

2. If at a later time there is any allowance of a claim or credit which existed on September 30, 1947 which would have the effect in law of establishing any different net worth than that determined on September 30, 1947 that difference will be adjusted as a correction according to the same percentage as stated in paragraph 1 above.

3. The funds transferred to the Department of the Air Force and the corresponding funds retained by the Department of the Army will be administered under joint policies to be established by the Secretary of the Army and the Secretary of the Air Force. The Secretary of the Army and the Secretary of the Air Force are authorized to appoint a joint board to assist them in the administration of the funds.

4. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, and records, as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

5. It is expressly determined that the transfer herein specified is necessary and desirable for the operation of the Department of the Air Force and the United States Air Force.

6. This order shall be effective as of 12:00 noon on April 17, 1948.

JAMES FORRESTAL,
Secretary of Defense.

APRIL 17, 1948.

[F. R. Doc. 48-3747; Filed, Apr. 27, 1948; 8:53 a. m.]

Chapter XXV—Department of the Interior, Disposal of Surplus Property

[Circular 1677]

PART 9000—DISPOSAL OF REAL PROPERTY

PART 9001—REDELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF SURPLUS REAL PROPERTY BY THE BUREAU OF LAND MANAGEMENT

REVOCATION OF PARTS

The functions of the Bureau of Land Management as a disposal agency of the War Assets Administration having been terminated as of November 15, 1947 (32 CFR, Part 8301, Reg. 1, Amdt. 1, War Assets Administration, Nov. 6, 1947, 12 F. R. 7810), the regulations contained in the following Parts of Chapter XXV, Title 32, of the Code of Federal Regulations (Circulars Nos. 1618, June 25, 1946 and 1627, November 6, 1946), are revoked:

Part 9000—Disposal of Surplus Real Property.

Part 9001—Redelegation of Authority with Respect to Disposal of Surplus Real Property by the Bureau of Land Management.

THOS. C. HAVELL,
Assistant Director.

Approved: April 19, 1948.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 48-3744; Filed, Apr. 27, 1948; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), §§ 203.467 and 203.468 governing the operation of bridges across the Hillsboro River at Hillsborough Avenue and Sligh Avenue, respectively, Tampa, Florida, are hereby revoked, and § 203.465 governing the operation of a bridge across the Hillsboro River at Michigan Avenue, Tampa, is hereby amended to govern the operation of bridges across the Hillsboro River at Platt Street, Lafayette Street, Michigan Avenue, West Hillsborough Avenue, and West Sligh Avenue, as follows:

§ 203.465 *Hillsboro River, Tampa, Fla.*—(a) *City of Tampa highway bridge at Platt Street and State Road Department of Florida highway bridge at Lafayette Street.* (1) Except as otherwise provided in subparagraph (2), the owners of or agencies controlling these bridges shall not be required to open the draws for the passage of vessels between 8:30 a. m. and 9:30 a. m. and between 5:00 p. m. and 6:15 p. m. on all days except Sundays.

(2) The draws shall be opened at any time to allow the passage of vessels owned or operated by the United States and vessels in distress. A vessel owned or operated by the United States or a vessel in distress desiring to pass either bridge shall so indicate by four blasts of a whistle or similar device.

(3) The owners of or agencies controlling the bridges shall keep a copy of the regulations in this part conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time.

(b) *City of Tampa highway bridge at West Columbus Drive (Michigan Avenue).* (1) The owner of or agency controlling this bridge shall not be required to keep a draw tender in constant attendance between 10:00 p. m. and 6:00 a. m.

(2) Persons requiring the opening of the draw between 10:00 p. m. and 6:00 a. m. shall, except in an emergency, give one hour's advance notice of the time at which such opening will be required. Such notice may be given in person, in writing, or by telephone to the authorized representative of the owner of or agency controlling the bridge. Upon receipt of such notice, the authorized representative shall cause a draw tender to be on duty at the bridge at the time specified in the notice, and the bridge shall at such time and for a reasonable period thereafter be opened promptly for the passage of vessels.

(3) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in subparagraph (2) may be reached.

(c) *State Road Department of Florida highway bridge at West Hillsborough Avenue.* (1) The owner of or agency controlling this bridge shall not be required to keep a draw tender in constant attendance between 10:00 p. m. and 6:00 a. m.

(2) Whenever, in the event of an emergency, a vessel, unable to pass under the closed bridge, is required to pass

through the drawspan between 10:00 p. m. and 6:00 a. m., at least one hour's advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge. Upon receipt of such notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(3) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in subparagraph (2) may be reached.

(d) *City of Tampa highway bridge at West Sligh Avenue.* (1) The owner of or agency controlling this bridge shall not be required to keep a draw tender in constant attendance between 6:00 p. m. and 7:00 a. m.

(2) Whenever, in the event of an emergency, a vessel, unable to pass under the closed bridge, is required to pass through the drawspan between 6:00 p. m. and 7:00 a. m., at least one hour's advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge. Upon receipt of such notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(3) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this part, together with a notice stating exactly how the representative specified in subparagraph (2) may be reached.

[Regs. Apr. 7, 1948, CE 823 (Hillsboro River, Tampa, Fla. — Platt St.) — ENGWR] (28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.90a is hereby prescribed to govern the use and navigation of waters of the Gulf of Mexico in the vicinity of Eglin Field, Florida, comprising a restricted area for the conducting of tests involving guided missiles by the Air Proving Ground Command, Eglin Field, as follows:

§ 204.90a *Gulf of Mexico, in vicinity of Eglin Field, Fla.; guided missiles test operations by Air Proving Ground Command*—(a) *The danger zone.* An area in the Gulf of Mexico bounded as follows: Beginning at a point on the south shore of Santa Rosa Island, Florida, at latitude 30°24'25", longitude 86°47'20"; thence following the shore line eastward to latitude 30°18"00", longitude 86°05'10"; thence southeasterly approximately 175 miles to latitude 28°10'00", longitude 84°30'00"; thence due west approximately 140 miles to latitude 28°10'00", longitude 86°47'20"; thence due north approximately 155 miles to the point of beginning.

(b) *The regulations.* (1) The area will be used intermittently during daylight hours for a week or ten days at a time. Firing will take place once or twice a day for periods ordinarily of not more than one hour. Advance notice of such firings will be published in local newspapers and in such other manner as the District Engineer, Corps of Engineers, Mobile, Alabama, may direct.

(2) During periods of firing, passage through the area shall not be denied to cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessels are present in the danger area, the officer in charge of firing operations shall cause the cessation or postponement of fire until the vessel shall have cleared the portion of the danger area involved. The entire area involved will be under constant observation of both surface patrol vessels and air patrol planes prior to and during periods of firing and notice will be given to vessels and tows of intention to fire by the method of buzzing low over the vessel, upon which signal vessels and tows shall proceed on their established course promptly and clear the area as soon as possible.

(3) Other vessels will be warned to leave the immediate danger area during firing periods by surface patrol craft. Upon being so warned such vessels shall clear the area immediately. Such periods normally will not exceed two hours.

(4) The regulations in this part shall be enforced by the Commanding General, Air Proving Ground Command, Eglin Field, Florida, and such agencies as he may designate.

[Regs. Apr. 6, 1948, CE 800.212 (Mexico, Gulf of)—ENGWR] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-3733; Filed, Apr. 27, 1948; 8:52 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 3—TABULATION OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

ALASKA

CROSS REFERENCE: For order revoking Executive Order 773, which withdrew certain public lands at Lowell Point on Resurrection Bay, Alaska, for use of the Navy Department as a coaling depot, thereby affecting the tabulation contained in §§ 3.5 and 3.6, see Public Land Order 470 in the Appendix to Chapter I of Title 43, *infra.*

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICT

NEVADA

CROSS REFERENCE: For order modifying Nevada Grazing District No. 4 by eliminating certain lands and affecting the tabulation contained in § 162.1, see Department of the Interior document Misc. 1661726 in the Notices section, *infra.*

Appendix—Public Land Orders

[Public Land Order 469]

WYOMING

REVOKING PUBLIC LAND ORDER NO. 183 OF OCTOBER 1, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 183 of October 1, 1943, withdrawing the hereinafter-described public lands for the use of the War Department as a bombing range, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 183 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on June 21, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 21, 1948, to September 20, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 2, 1948, to June 21, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 21, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 21, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from September 2, 1948, to September 21, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 21, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Cheyenne, Wyoming.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 38 N., R. 74 W.,
Sec. 1;
Sec. 12, SE¼NE¼.

The areas described aggregate 680.88 acres.

The land is generally rough and rolling. Sec. 1 is subject to the order of October 20, 1917, withdrawing lands for stock driveway purposes.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 19, 1948.

[F. R. Doc. 48-3745; Filed, Apr. 27, 1948; 8:52 a. m.]

[Public Land Order 470]

ALASKA

REVOKING EXECUTIVE ORDER NO. 773 OF MARCH 23, 1908, WITHDRAWING CERTAIN PUBLIC LANDS AT LOWELL POINT FOR USE OF THE NAVY DEPARTMENT AS A COALING DEPOT

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 773 of March 23, 1908, withdrawing an area of approximately 3,350 acres on Resurrection Bay at a place known as Lowell Point, situated on Kanai Peninsula, is hereby revoked.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on June 23, 1948. At that time the lands, which are all unsurveyed, shall, subject to valid existing rights and the provisions of any existing withdrawals, be opened to settlement under the homestead laws only, and to that form of appropriation only by qualified veterans of World War II for whose service recognition is granted by act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended; commencing at 10:00 a. m. on September 22, 1948, any of such lands not settled upon by veterans shall become subject to settlement and other forms of appropriation by the public generally in accordance with the appropriate laws and regulations.

The land is the ordinary forest type which is peculiar to that locality. There is some swamp in the reserve and the rest of the land is quite gravelly with very little top soil.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 21, 1948.

[F. R. Doc. 48-3742; Filed, Apr. 27, 1948; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 301]

GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 (a) of the Administrative Procedure Act (60 Stat. 237) that the United States Department of Agriculture proposes to revise Gypsy Moth and Brown-tail Moth Quarantine No. 45 and the regulations supplemental thereto (7 CFR 1945 Supp. 301.45 to 301.45–10, inclusive), as well as the administrative instructions (B. E. P. Q. 386, 8th revision; 7 CFR 1946 Supp. 301.45a) issued thereunder by the Chief of the Bureau of Entomology and Plant Quarantine.

It is proposed that the regulated area described in § 301.45–2 be extended to include the towns of Duxbury and Waterbury in Washington County, Vermont, and Bolton in Chittenden County, Vermont, and that the suppressive area described in § 301.45–2 (b), within the regulated area, be extended to include the said town of Bolton.

Another proposed area change is the extension of the generally infested area of Vermont to include the following 14 towns: Granville and Hancock, in Addison County; Dorset and Manchester in Bennington County; Chittenden, Clarendon, Danby, Mendon, Proctor, Rutland, Tinmouth, and West Rutland, in Rutland County; and Fayston and Warren, in Washington County.

The revision would provide for the continuous movement through the regulated area, without certification, of articles named in the quarantine, and for the reshipment, without certification, in the original, unopened packages, of such articles brought into the regulated area.

A few non-substantive changes in the interest of explicitness are contemplated.

The proposed revision of the administrative instructions, which relieve restrictions on certain regulated articles considered innocuous as pest risks, is for the purpose of adding greenhouse-grown woody plants, when so labeled, to the list of exempt articles contained therein.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, Washington 25, D. C., within 15 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 141, 143, 161; 7 CFR, 1945 Supp., § 301.45)

Done at Washington, D. C., this 22d day of April 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-3755; Filed, Apr. 27, 1948; 8:47 a. m.]

Production and Marketing Administration

[7 CFR, Part 42]

UNITED STATES SPECIFICATIONS AND WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of United States Specifications and Weight Classes for Consumer Grades for Shell Eggs pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1948 (Pub. Law 266, 80th Cong., approved July 30, 1947). These grades are based upon United States standards for quality of individual shell eggs (13 F. R. 1359) and will supersede the Tentative U. S. Specifica-

tions and Weight Classes for Consumer Grades for Shell Eggs that were approved on September 17, 1947, to become effective on December 1, 1947.

Tentative U. S. Specifications and Weight Classes for Consumer Grades for Shell Eggs have received thorough consideration throughout the country in correspondence by mail and at conferences with industry, college and State Department of Agriculture representatives. The proposals hereinafter set forth are substantially the same as the Tentative U. S. Specifications and Weight Classes for Consumer Grades for Shell Eggs, approved by the Assistant Administrator of the Production and Marketing Administration on September 17, 1947, and effective on December 1, 1947. They are being published in the FEDERAL REGISTER to comply with the provisions of the Administrative Procedure Act.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same in quadruplicate with the Hearing Clerk, Room 1846, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 10th day after the publication of this notice in the FEDERAL REGISTER.

The proposed specifications and weight classes are as follows:

(a) *General.* These grades are applicable to eggs in "lot" quantities rather than on an "individual" egg basis. A lot may contain any quantity of 2 or more eggs. Reference in these standards to the term "case" means standard 30 dozen egg cases as used in commercial practice in the United States. Terms used herein that are defined in the United States standards for quality of individual shell eggs (13 F. R. 1359) have the same meaning herein as in those standards. Eggs graded on the basis of these consumer grades shall conform as nearly as possible to the specifications and weight classes set forth herein. An aggregate tolerance of 20 percent is permitted within each consumer grade only as an allowance for variable efficiency and interpretation of conscientious graders, normal changes under favorable conditions during reasonable periods between grading and inspection, and reasonable variation from inspector's interpretation.

Within the maximum tolerance permitted an allowance will be made at receiving points or shipping destination for ½ percent leakers in U. S. Consumer Grades AA, A, and B, and 1 percent in Grade C.

Eggs with stained shells but otherwise conforming to the specifications of U. S. Consumer Grade A or U. S. Consumer Grade B may be classified as U. S. Consumer Grade A, Stained, or U. S. Consumer Grade B, Stained, respectively.

In lots of more than 30 cases no individual case may fall below 70 percent of the specified quality and in lots of 30 cases or less the 80 percent minimum requirement shall apply to each individual case.

Substitution of higher qualities for the lower qualities specified is permitted.

(b) *Specifications*—(1) *U. S. Consumer Grade AA.* Shall consist of edible eggs of which at least 80 percent are AA Quality, 15 percent may be A Quality, and not over 5 percent may be of the qualities below A, in any combination, but not including Dirties.

(2) *U. S. Consumer Grade A.* Shall consist of edible eggs of which at least 80 percent are A Quality or better, 15 percent may be B Quality, and not over 5 percent may be of the qualities below B, in any combination, but not including Dirties.

(3) *U. S. Consumer Grade B.* Shall consist of edible eggs of which at least 80 percent are B Quality or better, 10 percent may be C Quality or Stained, in any combination, and not over 10 percent may be Dirties or Checks in any combination.

(4) *U. S. Consumer Grade C.* Shall consist of edible eggs of which at least 80 percent are C Quality or Stained, in any combination, or better, and the balance may be Dirties or Checks in any combination.

(5) *No Grade.* Eggs of possible edible quality that fail to meet the requirements of an Official or Tentative U. S. Grade or that have been contaminated by smoke, chemicals, or other foreign material that has seriously affected the character, appearance, or flavor of the eggs are classed as "No Grade."

A summary of specifications for U. S. Consumer Grades for Shell Eggs follows:

TABLE I—SUMMARY OF SPECIFICATIONS FOR U. S. CONSUMER GRADES FOR SHELL EGGS

U. S. Consumer Grade	At least 80 percent (lot average) [1] must be—	Tolerance permitted [2]	
		Percent	Quality
Grade AA	AA quality	15 to 20	A.
		Not over 5 [3]	B, C, stained, or check.
Grade A	A quality or better	15 to 20	B.
		Not over 5 [3]	C, stained, or check.
Grade B	B quality or better	10 to 20	C, or stained.
		Not over 10 [3]	Dirty or check.
Grade C	C quality or better	Not over 20	Dirty or check.

[1] In lots of more than 30 cases no individual case may fall below 70 percent of the specified quality and in lots of 30 cases or less the 80 percent minimum requirement shall apply to each individual case.
[2] Within tolerance permitted, an allowance will be made at receiving points or shipping destination for ½ percent leakers in Grade AA, A, and B, and 1 percent in Grade C.
[3] Substitution of higher qualities for the lower qualities specified is permitted.

(c) *Weights.* (1) The weight classes for U. S. Consumer Grades for Shell Eggs shall be as indicated in Table II hereof and apply to all consumer grades.

TABLE II—U. S. WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

Size or weight class	Minimum net weight per dozen	Minimum net weight per 30 dozen	Minimum weight for individual eggs at rate per dozen
	Ounces	*Pounds*	*Ounces*
Jumbo	30	56	29
Extra large	27	50½	26
Large	24	45	23
Medium	21	39½	20
Small	18	34	17
Peewee	15	28	----------

(d) *Tolerances.* Minimum weights listed for individual eggs at the rate per dozen are permitted in various size classes only to the extent that they will not reduce the net weight per dozen below the required minimum with thorough consideration given to variable weight of individual eggs and variable efficiency of graders and scales which should be maintained on a uniform and accurate basis.

Done at Washington, D. C., this 23d day of April 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-3772; Filed, Apr. 27, 1948; 8:55 a. m.]

[7 CFR, Part 971]

HANDLING OF MILK IN DAYTON-SPRINGFIELD MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), hearings were held at Dayton, Ohio, on November 21, 1947, pursuant to notice thereof which was published in the FEDERAL REGISTER (12 F. R. 7639), and on April 5, 1948, pursuant to notice thereof which was published in the FEDERAL REGISTER (13 F. R. 1649), upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, milk marketing area.

Preliminary statement. The proposed amendments upon which hearings were held were submitted by the Miami Valley Cooperative Milk Producers Association.

The material issues presented on the record of the hearing held November 21, 1947, were whether:

(1) Class I and Class II "floor prices" should be extended for a limit period in 1948 at the December 1947 Class I and Class II "floor price" levels respectively.

(2) The provision "and adding 20 cents" to the price of skim milk during the months of January through March, and August through December in the determination of the Class III price should be applicable insofar as such price is used as one of the alternative basic prices for establishing Class I and Class II milk prices.

The material issues presented on the record of hearing held on April 5, 1948, were whether:

(1) The amounts to be added to the basic formula price for Class I milk and Class II milk should be revised for the months of May, June, and July, 1948.

(2) An emergency exists which requires that such amendment action be taken immediately.

Upon the basis of the evidence introduced at the hearing on November 21, 1947, the Acting Assistant Administrator filed on March 8, 1948, with the Hearing Clerk, United States Department of Agriculture, the recommended decision with respect to the issues enumerated above and considered at such hearing. The notice of filing such recommended decision and opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER on March 11, 1948 (13 F. R. 1307). No exceptions were filed with respect to the findings, conclusions, and recommendations contained in the recommended decision.

Findings and conclusions. (1) Findings and conclusions on the record of hearing held on November 21, 1947.

The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 48–2180; 13 F. R. 1307), with respect to the issues set forth above are approved and adopted as the findings and conclusions of this decision as if set forth in full herein. These findings and conclusions are supplemented by the general findings hereinafter set forth as subparagraph (c) of this decision.

(2) The following findings and conclusions on the material issues considered at the hearing held April 5, 1948, are based upon the evidence introduced at such hearing:

(a) For the delivery periods of May, June, and July, 1948, the differentials to be added to the basic formula price for Class I and Class II milk should be $1.05 and $0.75, respectively.

Producer milk received in the Dayton-Springfield marketing area is becoming increasingly short in relation to Class I and Class II milk utilization. In spite of the fact that the number of producers increased slightly during 1947, average daily receipts of producer milk in January and February of 1948 were 2 percent less than the same period in 1947. Daily production per farm was down about 6 percent. Decreased production per farm was attributed to relatively high feed costs, shortage of feed supplies and reduction in size of herds. Dairy cattle may be sold for slaughter at relatively favorable prices. Prices for hogs and beef cattle, alternative uses for the short supplies of farm grains, are at relatively high levels.

Gross Class I utilization of milk in January and February 1948 was 14 percent higher than a year ago. Sales of milk for fluid consumption in the marketing area increased about 3 percent. A continued strong demand is expected as a result of increased population and relatively high industrial employment. Considerable quantities of emergency milk have been used to supply Class I and Class II uses.

Emergency and other source milk has been brought into the Dayton-Springfield marketing area in every month since Order No. 71, was promulgated. The receipts of such milk from September 1947, through February 1948, averaged 4.7 million pounds per month. This exceeded the quantity brought in for the corresponding period a year ago by 70 percent. In January and February 1948, the combined receipts of emergency and other source milk was equivalent to 27 percent of producer receipts and 20 percent of total receipts.

The evidence indicates that emergency milk is not of as good quality as direct shipped producer milk. The farms on which emergency milk is produced are not subject to health department inspection as are the farms of producers. Health department requirements on producers' farms are being more rigidly enforced at the present time than previously.

The testimony shows that good dairy farmers feed grain and concentrates the year round. Stocks of home grown feeds on farms are unusually low. Costs of feeds have increased considerably over the early months of 1947. Dairy feeds, such as 16 percent protein feeds, were about 12 percent higher than a year ago, and other feeds and grains ranged from 10 to 30 percent higher. Labor costs have also shown substantial increases. Handlers pointed out that the trend in manufactured milk or basic prices reflected the increases in feed and other production costs. Stocks of most manufactured dairy products are at relatively low levels and it was argued that basic prices would likely remain relatively firm and therefore producers would be assured adequate prices during the spring and summer of 1948. However, local supply and demand conditions must also be considered. The evidence also indicated that local manufacturing plants are paying quantity premiums over their announced basic prices. These premiums reduce the spread between the uniform prices received by producers for inspected milk and the prices for uninspected milk. This eliminates some of the incentive for the production of inspected milk.

The blend prices to producers will decrease during the flush production period as a result of seasonal decreases in basic prices and the increased utilization in the lower-priced classes. Producers argued that considerable incentive for greater production in the fall and winter months, supported by handlers, will prevail from these factors. Greater seasonal variation in prices through seasonal Class I and Class II price differentials is desirable as a long-time program in offering a greater incentive to even out production in the Dayton-Springfield marketing area, but in order to keep producers from leaving the market or others from further reducing the size of their herds, the seasonal decline in prices should not be accentuated by decreased Class I and Class II differentials during May through July 1948. The maintenance of producer numbers and size of their herds together with adequate feeding particularly during the latter part of this period will assure more inspected milk during the fall and winter months of 1948.

The maintenance of the current Class I and Class II price differentials for the months of May through July 1948 will result in such prices as well reflect the price of feeds, available supplies of feeds, and other economic conditions which affect the supply of and demand for milk or its products in the marketing area, insure an adequate supply of pure and wholesome milk, promote orderly marketing, and be in the public interest.

(b) An emergency exists which requires that action be taken promptly to amend the order to effectuate the findings and conclusions set forth above based upon the hearing held April 5, 1948, without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto.

Under the provisions of the order, the amounts added to the basic formula price for Class I and Class II milk will decrease on May 1, 1948, from the March levels 30 cents per hundredweight. Because of the emergency conditions prevailing in the market these differentials were held at the March levels for the month of April by suspension action. The testimony indicated the need for maintaining price differentials at the March levels during the summer and spring of 1948. Under prevailing conditions, the seasonal decline of class differentials during the spring and summer of 1948 would seriously jeopardize the future supply of milk for the marketing area. Any delay beyond May 1, 1948, in effectuating needed changes in price differentials would seriously threaten an adequate supply of pure and wholesome milk for the Dayton-Springfield market, would disrupt orderly marketing and would be contrary to the public interest. The amending order cannot be issued and made effective by May 1, 1948, unless the recommended decision and the filing of exceptions thereto are omitted.

(c) *General.* (i) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(ii) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner and are applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(iii) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to

the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Milk Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Milk Marketing Area" which have been decided upon as the aprpopriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 22d day of April 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Milk Marketing Area [1]

§ 971.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), public hearings were held on November 21, 1947, and April 5, 1948 upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, milk marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Dayton-Springfield milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 971.5 (a) subparagraph (3) and substitute therefor the following:

(3) Multiply by 0.035 the price per hundredweight of butterfat made into butter as computed pursuant to paragraph (d) (2) of this section, and add thereto the price per hundredweight of skim milk computed pursuant to paragraph (d) (1) of this section, less 20 cents for the months of January, February, March, August, September, October, November, and December, multiplied by 0.965.

2. Delete from § 971.5 (b) (1) provisos contained therein and substitute therefor the following: *"Provided,* That for the delivery periods of May, June, and July, 1948, the amount added to the basic formula price shall be $1.05."

3. Delete from § 971.5 (c) (1) the provisos contained therein and substitute therefor the following: *"Provided,* That for the delivery periods of May, June, and July, 1948, the amount added to the basic formula price shall be $0.75."

[F. R. Doc. 48-3757; Filed, Apr. 27, 1948; 8:48 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 1]

[Docket No. 8722]

APPLICATION FOR SPECIAL TEMPORARY AUTHORIZATION FOR OPERATION OTHER THAN OR BEYOND THAT AUTHORIZED IN LICENSE

NOTICE OF PROPOSED RULE MAKING

CROSS REFERENCE: For postponement of hearing with respect to proposed amendment of § 1.324 of the Commission's rules and regulations, see F. R. Doc. 48-3771 under Federal Communications Commission, in notices section, *infra.*

HOUSING AND HOME FINANCE AGENCY

Federal Savings and Loan System

[24 CFR, Part 202]

[No. 670]

INCORPORATION, CONVERSION, AND ORGANIZATION

NOTICE OF AMENDMENT RELATING TO APPLICATION TO ORGANIZE AND PETITION FOR CHARTER

APRIL 22, 1948.

Resolved that pursuant to paragraph (c) of § 201.2 of the rules and regulations for the Federal Savings and Loan System (24 CFR 201.2 (c)), notice is hereby given of the proposed amendment of Part 202 of said regulations (24 CFR, Part 202) by striking therefrom the contents of §§ 202.5, 202.7, 202.8, and paragraphs (b) and (c) of § 202.29, and substituting in lieu of the last eight sentences of paragraph (a) of § 202.2 the following:

§ 202.2 *Permission to organize*—(a) *Application for permission to organize; recommendations; approval or disapproval; appeal.* * * * Upon execution of such application by 5 responsible citizens (hereinafter referred to as the "applicants") the original and two copies shall be submitted to the Board through the Federal home loan bank of the district in which it is intended to organize such an association. The applicants shall submit with their application, statements, exhibits, maps, and other data, together with an affidavit that the representations made thereby are consistent with the facts to the best of the applicants' information and belief, which data shall be sufficiently detailed and comprehensive as to enable the Board to pass upon the application as to (1) the character and responsibility of the appli-

cants; (2) the necessity for such Federal association in the community to be served; (3) reasonable probability of its usefulness and success; and (4) whether or not such Federal association can be established without undue injury to properly conducted existing local thrift and home-financing institutions. The officers of the Federal Home loan bank shall promptly forward the original and one copy of the application and supporting data, together with their report and recommendations, to the Board. The Board desires also the recommendation of the board of directors or the executive committee of the Federal home loan bank of the district. If the Board does not deny the application on the basis of the data submitted by the applicants and any other information in its possession without a hearing, it will set a date on which a hearing may be held and the applicants will be directed to have published at least 20 days before such date in a newspaper printed in the English language of general circulation in the county in which the proposed Federal association will have its office, a notice in the following form, unless another form is prescribed by the Board:

Notice is hereby given that the applicants listed below have applied to the Home Loan Bank Board for permission to organize a Federal savings and loan association to be located in _____
City
_____
State

A hearing will be held on the application at _____ o'clock in the _____noon on _____, 19__, in Room 827, Federal Home Loan Bank Board Building, Washington, D. C., if written notice of intention to appear in person or by attorney to protest the application is received by the Home Loan Bank Board from one or more persons at least 10 days before that date. If no such notice has been received by the Home Loan Bank Board at least 10 days before said date, the hearing will be dispensed with.

The Applicants shall file with the Board at least 10 days before the date set for the hearing an affidavit of publication of the notice giving the date of publication and the name of the newspaper in which it was published. The applicants shall also promptly, after receipt of a copy of the resolution providing for the hearing, cause a copy of the notice to be mailed to the state supervisor of home-financing institutions of the state in which the proposed Federal association will be located. If at least 10 days before the date set for the hearing the Board has received no written statements of intention to appear in person or by attorney to protest the application from one or more parties, the hearing will be dispensed with unless otherwise ordered by the Board. The Board will notify the applicants at least 5 days before the date of the hearing whether or not a hearing will be held. Notwithstanding any other provisions of the regulations in this part, the Board may at any time dispense with any hearing on an application to organize a Federal savings and loan association. If the application is approved by the Board, the applicants may then proceed with the organization complying in all respects with the agreements in the application and with any conditions prescribed by the Board. Approval of an Application for Permission to Organize will not in any manner obligate the Board to issue a charter. The Board will take action issuing or denying a charter after receipt of evidence as to compliance by the applicants with the conditions prescribed by the Board. The action of the Board shall be final.

(Sec. 5 (a), (e), 48 Stat. 132, 133, sec. 4, 60 Stat. 238; 5 U. S. C. 1003, 12 U. S. C. 1464 (a), (e); Reorganization Plan No. 3 of 1947, 12 F. R. 4981)

By the Home Loan Bank Board.

[SEAL] W. CAULSON,
Assistant Secretary.

[F. R. Doc. 48-3785; Filed, Apr. 27, 1948; 8:58 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Denver 051851]

COLORADO

SMALL TRACT CLASSIFICATION ORDER AMENDED

APRIL 22, 1948.

Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR, 4.275 (b) (3), 12 F. R. 3566), small tract classification listed below, dated January 9, 1943, made in Colorado under the act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467; 43 U. S. C., sec. 682a), is amended to include the land listed and to include authorization for sale for the sum of $50.00 to the lessee, in accordance with 43 CFR, 257.10, Circular No. 1647 and Circular No. 1665.

SMALL TRACT CLASSIFICATION NO. 25

COLORADO NO. 2

T. 1 N., R. 78 W., 6th P. M.,
Sec. 15, S½NW¼SE¼NW¼SW¼, SW¼SE¼NW¼SW¼ and N½NW¼NE¼SW¼SW¼, 5 acres.

THOS. C. HAVELL,
Assistant Director.

[F. R. Doc. 48-3743; Filed, Apr. 27, 1948; 8:52 a. m.]

[Misc. 1661726]

NEVADA

MODIFYING GRAZING DISTRICT NO. 4

Under and pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C., sec. 315, et seq.), and subject to the limitations and conditions therein contained, Nevada Grazing District No. 4 is modified by eliminating therefrom the following-described land:

NEVADA

MOUNT DIABLO MERIDIAN

T. 23 N., R. 55 E.,
Sec. 24, SE¼;
Sec. 25, E½E½, NW¼NE¼, SW¼SW¼;
Sec. 26, SW¼NE¼, W½SE¼, SE¼SE¼;
Sec. 35, NE¼, W½SE¼, NE¼SE¼;
Sec. 36, W½NE¼, NW¼, E½SW¼, NW¼SE¼.
T. 23 N., R. 56 E.,
Sec. 19, SW¼;
Sec. 30, W½;
Sec. 31, N½NW¼, SE¼NW¼, E½SW¼.

The area described aggregates 1,871.45 acres.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 19, 1948.

[F. R. Doc. 48-3746; Filed, Apr. 27, 1948; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8706, 8707]

ALLEN B. DUMONT LABORATORIES, INC.

ORDER CONTINUING HEARING

In re applications of Allen B. Dumont Laboratories, Inc., for extension of completion date of construction permit for television broadcast station WTTG, Washington, D. C., Docket No. 8706, File No. BMPCT-138; Allen B. Dumont Laboratories, Inc., for license to operate television broadcast station WTTG, Washington, D. C., Docket No. 8707, File No. BLCT-12.

The Commission having under consideration a petition filed April 13, 1948, by Allen B. Dumont Laboratories, Inc., Washington, D. C., requesting a 30-day continuance of the hearing now scheduled for April 22, 1948, at Washington, D. C., on its above-entitled applications for modification of television construction permit and for television broadcast license;

It is ordered, This 16th day of April 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Thursday, May 20, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3770; Filed, Apr. 27, 1948; 8:55 a. m.]

[Docket No. 8725]

FARMINGTON BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Harold L. Arment, tr/as The Farmington Broadcasting Company, Farmington, New Mexico, File No. BP-5713, Docket No. 8725; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Farmington, New Mexico, on April 16, 1948; and

Whereas, the above-entitled applicant has informed the Commission that he desires to dismiss his application, but has not yet filed a petition for dismissal as requested by the Commission;

It is ordered, This 15th day of April, 1948, that the hearing in this proceeding be, and it is hereby, continued to 10:00 a. m., Thursday, May 6, 1948, at Farmington, New Mexico.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3769; Filed, Apr. 27, 1948; 8:55 a. m.]

[Docket Nos. 6987, 8722]

ORDER CHANGING SCHEDULE FOR ORAL ARGUMENTS

In re oral arguments scheduled for May 7, 1948.

The time for oral argument has been changed on each of the following matters scheduled for such argument on May 7, 1948, in Room 6121, New Post Office Building, Washington, D. C. These arguments will be heard at the times indicated.

At 10:30 a. m.

Docket No. 6987, File B2-R-976; Port Huron Broadcasting Company (WHLS), Port Huron, Michigan; For Renewal of License.

At 2 p. m.

Docket No. 8722, Amendment of § 1.324 of the Commission's rules and regulations; Notice of Proposed Rule Making of February 5, 1948.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3771; Filed, Apr. 27, 1948; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6133, E-6134]

SOUTHERN ALKALI CORP. AND CITIES SERVICE REFINING CORP.

NOTICE OF DETERMINATION OF EMERGENCY AND GRANTING OF EXEMPTIONS FOR USE OF INTERCONNECTIONS

APRIL 22, 1948.

Notice is hereby given that, on April 21, 1948, the Federal Power Commission issued its order entered April 20, 1948, in the above-designated matters, approving the use and maintenance of certain interconnections until December 31, 1950.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3741; Filed, Apr. 27, 1948; 8:46 a. m.]

No. 83——3

[Docket No. E-6139]

MOUNTAIN STATES POWER CO.

NOTICE OF APPLICATION

APRIL 22, 1948.

Notice is hereby given that on April 22, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Mountain States Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Idaho, Oregon, Montana, Washington and Wyoming, with its principal business office at Albany, Oregon, seeking an order authorizing the issuance of $3,500,000 principal amount of First Mortgage Bonds, 3⅜% Series, due April 1, 1978 and 20,000 shares of 5% Cumulative Preferred Stock of $50 par value per share to be issued in May 1948. The stocks and bonds are to be sold to John Hancock Mutual Life Insurance Company and other institutional purchasers at a price of 100.95% of the principal amount thereof plus accrued interest to date of delivery, on the bonds, and a flat price of $50.00 per share for the preferred stock; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 12th day of May 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3734; Filed, Apr. 27, 1948; 8:45 a. m.]

[Docket Nos. G-310, G-998]

INTERSTATE NATURAL GAS CO., INC., AND NORTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 22, 1948.

Notice is hereby given that, on April 21, 1948, the Federal Power Commission issued its findings and orders entered April 20, 1948, in the above-designated matters, issuing certificates of public convenience and necessity.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3736; Filed, Apr. 27, 1948; 8:45 a. m.]

[Docket No. G-968]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed November 13, 1947, as supplemented on March 15, 1948, by Southern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Birmingham, Alabama, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 23, 1947 (12 F. R. 8727).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 11, 1948, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning at matters involved and the issues presented by such application; *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: April 23, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3761; Filed, Apr. 27, 1948; 8:49 a. m.]

[Docket No. G-991]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed January 27, 1948, as amended on February 27, 1948, by United Gas Pipe Line Company (Applicant), a Delaware corporation, with its principal place of business at Shreveport, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: The proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its applica-

tion be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protests or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 11, 1948 (13 F. R. 623).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on April 26, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: April 23, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-3735; Filed, Apr. 27, 1948; 8:45 a. m.]

[Docket No. IT-6020]

MAINE PUBLIC SERVICE CO.

NOTICE OF ORDER DISMISSING ORDER TO SHOW CAUSE

APRIL 22, 1948.

Notice is hereby given that, on April 21, 1948, the Federal Power Commission issued its order entered April 20, 1948, dismissing order to show cause in the above designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-3738; Filed, Apr. 27, 1948; 8:46 a. m.]

[Docket No. G-1009]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed March 8, 1948, by Southern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Birmingham, Alabama, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 25, 1948 (13 F. R. 1593).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 11, 1948, at 9:45 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: April 23, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-3762; Filed, Apr. 27, 1948; 8:49 a. m.]

[Docket No. IT-6026]

MAINE PUBLIC SERVICE CO. AND FRASER PAPER, LTD.

NOTICE OF ORDER APPROVING PERMANENT CONNECTION FOR EMERGENCY USE ONLY

APRIL 22, 1948.

Notice is hereby given that, on April 21, 1948, the Federal Power Commission issued its order entered April 20, 1948, in the above-designated matter, approving the use and maintenance of certain interconnections until December 31, 1948.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-3739; Filed, Apr. 27, 1948; 8:46 a. m.]

[Docket No. IT-6028]

MAINE PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO CANADA

APRIL 22, 1948.

Notice is hereby given that, on April 21, 1948, the Federal Power Commission issued its order entered April 20, 1948, in the above-designated matter, authorizing the transmission of electric energy to Canada and releasing Presidential Permit to Maine Public Service Company in Docket No. IT-6027.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-3740; Filed, Apr. 27, 1948; 8:46 a. m.]

[Project No. 1250]

CITY OF PASADENA, CALIF.

NOTICE OF ORDER GRANTING PARTIAL EXEMPTION FOR PAYMENT OF ANNUAL CHARGES AND WAIVING PENALTY

APRIL 22, 1948.

Notice is hereby given that, on April 21, 1948, the Federal Power Commission issued its order entered April 20, 1948, granting partial exemption from payment of annual charges and waiving penalty in the above designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-3737; Filed, Apr. 27, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1042, 7-1046, 7-1044]

WEST PENN ELECTRIC CO.

FINDINGS AND ORDER REGARDING DETERMINATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of April A. D. 1948.

The Boston Stock Exchange, Philadelphia Stock Exchange, and Pittsburgh Stock Exchange have made application under Rule X-12F-2 (b) for a determination that the Common Stock, No Par Value, of The West Penn Electric Company is substantially equivalent to the Common Stock, No Par Value, of American Water Works and Electric Company, Incorporated, which has heretofore been admitted to unlisted trading privileges on the applicant exchanges.

American Water Works and Electric Company, Incorporated, was organized under the laws of the State of Virginia in 1914, and in 1927 was reorganized and incorporated under the laws of the State of Delaware. This was the top company in a complex holding company system consisting of 106 active companies, 8 inactive companies, and one company in the process of liquidation. Through The West Penn Electric Company, American Water Works and Electric Company, Incorporated, controlled electric, gas, transportation, coal, ice and water properties and real estate located in Pennsylvania, West Virginia, Maryland, Virginia and Ohio. American Water Works and Electric Company, Incorporated, also controlled 70 water works companies serving various cities and towns in 22 states. Of these 70 companies, 32 were

controlled directly, and the others were controlled indirectly.

The West Penn Electric Company, a registered holding company which was a direct subsidiary of American Water Works and Electric Company, Incorporated, was organized in 1925 under the laws of the State of Maryland. It did, and does, control all of the electric, gas, transportation, coal and ice properties in the system that was the American Water Works and Electric Company, Incorporated, system; and also has had control of some real estate and minor water properties. The principal electric and gas operating subsidiaries of The West Penn Electric Company are: West Penn Power Company, The Potomac Edison Company, and Monongahela Power Company. The West Penn Electric Company also owns all of the common stock of West Penn Railways Company, a registered holding company, organized under the laws of the State of Pennsylvania in 1917, which also furnishes electric railway transportation in parts of western Maryland. These companies are more thoroughly described in Holding Company Act Release No. 7091 (1946).

Pursuant to plans filed under the Public Utility Holding Company Act of 1935 and approved by this Commission and the District Court of the United States for the District of Delaware, American Water Works and Electric Company, Incorporated, segregated and disposed of its water works properties and has been dissolved and is being liquidated. As part of such liquidation and as provided in the plans filed under the latter act, this company transferred to its subsidiary, The West Penn Electric Company, as a contribution to the capital or as paid-in surplus of that company, all of the property and assets of the former corporation other than 2,343,105 shares of common stock of The West Penn Electric Company that had been held by American Water Works and Electric Company, Incorporated. The West Penn Electric Company assumed all remaining liabilities and obligations of American Water Works and Electric Company, Incorporated, up to the amount of the above contribution. Previously, the number of shares of common stock of The West Penn Electric Company outstanding in the hands of American Water Works and Electric Company, Incorporated, had been 1,312,602 shares. This number of shares was changed into 2,343,105 shares, which is the same number as the number of shares of common stock of American Water Works and Electric Company, Incorporated, that were outstanding in the hands of its shareholders.

As the final step in the liquidation of American Water Works and Electric Company, Incorporated, commencing on January 15, 1948 there have been and are being distributed to the holders of common stock of this company all of the above-mentioned shares of common stock of The West Penn Electric Company, at the rate of one share of common stock of The West Penn Electric Company in exchange for each outstanding share of common stock of American Water Works and Electric Company, Incorporated.[1] This distribution, when completed, will constitute the final distribution of the assets of American Water Works and Electric Company, Incorporated, to its common stockholders.

The Commission has given due consideration to the subject matter of this application, and due regard for the public interest and the protection of investors. American Water Works and Electric Company, Incorporated, and The West Penn Electric Company are two separate corporations, organized under the laws of different states. American Water Works and Electric Company, Incorporated, through its water works subsidiaries, was engaged prior to its dissolution in other types of business in addition to the businesses conducted through its subsidiary The West Penn Electric Company. By the plan of reorganization, the former corporation has divested itself of many of its assets, and has dissolved by means of turning its remaining assets over to its subsidiary in consideration of assumption of liabilities, and by means of distributing to its own stockholders the shares of its subsidiary's common stock which it owned.

For the foregoing reasons it does not appear that the common stock of The West Penn Electric Company is substantially equivalent to the common stock of American Water Works and Electric Company, Incorporated, heretofore admitted to unlisted trading privileges on the applicant exchanges.

Moreover, the Common Stock, No Par Value, of The West Penn Electric Company has been registered and listed on the New York Stock Exchange, effective January 14, 1948. Accordingly, each of the applicant exchanges may obtain unlisted trading privileges in this security by making application under section 12 (f) (2) of the Securities Exchange Act of 1934 and establishing to the satisfaction of the Commission that there exist in the vicinity of each exchange sufficiently widespread public distribution of the security and sufficient public trading therein to render unlisted trading privileges necessary or appropriate in the public interest or for the protection of investors.

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Common Stock, No Par Value, of The West Penn Electric Company is hereby determined not to be substantially equivalent to the Common Stock, No Par Value, of American Water Works and Electric Company, Incorporated, heretofore admitted to unlisted trading privileges on the applicant exchanges.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-3748; Filed, Apr. 27, 1948; 8:54 a. m.]

[File No. 1-3094]

UNITED AIRCRAFT PRODUCTS, INC.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of April A. D. 1948.

United Aircraft Products, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, 50¢ Par Value, from listing and registration on the Los Angeles Stock Exchange.

The reasons for withdrawing this security from listing and registration on this Exchange that are stated in the application are (1) during the twelve months' period ended September 30, 1947 the volume of sales of this security on the Los Angeles Stock Exchange amounted to only 200 shares; and (2) the continuance of listing and registration of this security on the Los Angeles Stock Exchange makes it advisable to maintain a Co-Registrar and Co-Transfer Agent in Los Angeles, in addition to the Registrar and Transfer Agent employed in New York, and requires additional legal services in the State of California, altogether necessitating additional expenditures of $800.00 per annum.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The Los Angeles Stock Exchange has advised the issuer that the Exchange does not interpose objection to withdrawal of this security from listing and registration on the Exchange.

This security is registered and listed on the New York Curb Exchange, and it is stated in the application by the issuer that this registration and listing on the New York Curb Exchange will continue to remain in effect.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on May 22, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-3750; Filed, Apr. 27, 1948; 8:54 a. m.]

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[1] The reclassification of the common stock of The West Penn Electric Company and the distribution of this reclassified stock to the holders of the common stock of American Water Works and Electric Company, Incorporated, were undertaken only after an appropriate application-declaration under the Public Utility Holding Company Act of 1935 had been granted and permitted to become effective by the Commission. See Holding Company Act Release No. 7986 (1948).

[File No. 70–1764]

CONSOLIDATED NATURAL GAS CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of April 1948.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, having filed a declaration and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of $30,000,000 principal amount of debentures due 1968; and

The Commission having, by order dated April 5, 1948, permitted said declaration, as amended, to become effective, subject to the condition, among others, that the proposed sale of debentures shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all legal fees and expenses in connection with the proposed transaction; and

Consolidated having, on April 21, 1948, filed a further amendment to said declaration in which it is stated that it has offered the debentures for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Price to Consolidated	Interest rate	Cost to Consolidated
	Percent	*Percent*	*Percent*
Dillon, Read & Co., Inc.	100.1399	2¾	2.741
Halsey, Stuart & Co., Inc.	100.0713	2¾	2.745
White, Weld & Co. and Paine, Webber, Jackson & Curtis	101.651	2⅞	2.767
Morgan Stanley & Co.	101.571	2⅞	2.772
The First Boston Corp.	101.5499	2⅞	2.774

The amendment further stating that Consolidated has accepted the bid of Dillon, Read & Co., Inc., for the debentures as set forth above and that the debentures will be offered for sale to the public at a price of 100.75% of the principal amount thereof, resulting in an underwriter's spread of 0.61%; and

The legal fees and other expenses to be incurred in connection with the proposed sale of debentures having been estimated as follows:

Filing fee	$3,105.00
Printing	60,000.00
Trustees' charges	18,000.00
Local counsel fees	4,000.00
Accounting and engineering fees	16,500.00
Tax	33,000.00
Other expenses	6,600.00
	141,205.00

The amendment further stating that the underwriters are to pay legal fees of $12,000 to Cahill, Gordon, Zachry & Reindel, as their counsel; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said debentures, the redemption prices thereof, the interest rate thereon and the underwriter's spread; and

It appearing that the proposed legal fees and other expenses are for necessary services and are not unreasonable:

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said debentures be, and the same hereby is, released, and that the said declaration, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

It is further ordered, That jurisdiction heretofore reserved over all legal fees and other expenses in connection with the proposed transaction be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–3749; Filed, Apr. 27, 1948; 8:54 a. m.]

[File Nos. 59–11, 59–17, 54–25]

UNITED LIGHT AND RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE AND APPROVING SALE AND TRANSFER OF STOCKS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of April A. D. 1948.

In the matter of the United Light and Railways Company, American Light & Traction Company, et al.; File Nos. 59–11, 59–17 and 54–25.

American Light & Traction Company ("American Light"), a registered holding company, having filed an application-declaration and an amendment thereto, in accordance with the applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") and the rules promulgated thereunder with respect to the proposed sale, pursuant to the competitive bidding requirements of Rule U-50, of 450,000 shares of the common stock of The Detroit Edison Company ("Detroit Edison") and the use of the proceeds received from such sale; and

The Commission by order dated April 12, 1948 having granted said application and permitted said declaration to become effective subject to the condition that the proposed sale of stock not be consummated until the results of the competitive bidding pursuant to Rule U-50 were made a matter of record in the proceeding and a further order was entered by the Commission in the light of the record as so completed, jurisdiction being reserved for that purpose and with respect to the use of the proceeds from the sale of said stock and to issue such further orders as may be deemed appropriate to the carrying out of the proposed transactions; and

American Light having filed a further amendment stating that in accordance with the Order of the Commission dated April 12, 1948 it has offered said stock for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Name of bidder	*Price per share to company*
Coffin & Burr, Inc., and Spencer Trask & Co.	$19.73
The First Boston Corp.	19.65
Allen & Co.	19.225

The amendment further stating that the bid of Coffin & Burr, Incorporated and Spencer Trask & Co. for the stock has been accepted, and that the purchasers propose to offer the stock to the public at $20.50 per share resulting in an underwriting spread of $0.77 per share which is equal to 3.90% of the price to the company and 3.76% of the public offering price; and

It appearing that the estimated fees and expenses to be paid by American Light aggregating $59,000, including $18,000 of counsel fees payable $9,000 to Sidley, Austin, Burgess and Harper, $1,500 to Fischer, Brown, Sprague, Franklin and Ford and $7,500 to Sullivan and Cromwell and the fees of independent counsel, estimated at $9,000 to be paid to Chadbourne, Hunt, Jaeckel and Brown, by the successful bidder are not unreasonable; and

The Commission having examined and considered the record herein and finding that the applicable standards of the act and the rules and regulations thereunder have been complied with, and observing no basis for imposing terms and conditions with respect to the price to be paid for said stock or the underwriting spread and the allocation thereof;

It is ordered, Subject to the terms and conditions prescribed by Rule U-24, that the application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith and the jurisdiction heretofore reserved, except with respect to the use of the proceeds from the sale of said stock after the payment of expenses in connection therewith, be, and the same hereby is, released; and

It is further ordered and recited, That the sale and transfer by American Light of 450,000 shares of Capital Stock of Detroit Edison at the price of $19.73 per share is necessary or appropriate to the integration or simplification of the holding company system of which American Light is a member, and is necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–3751; Filed, Apr. 27, 1948; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10892]

SCHERING, A. G., AND E. I. DUPONT DE NEMOURS & CO.

In re: Interests and rights of Schering, A. G., of Berlin, Germany, in an agreement with E. I. duPont de Nemours & Company of Wilmington, Delaware.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Schering, A. G., is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) of Schering, A. G., Berlin, Germany, under an agreement dated June 20, 1934, by and between Schering-Kahlbaum, A. G., and E. I. duPont de Nemours & Company of Wilmington, Delaware (including all modifications thereof and supplements thereto, if any), which agreement relates, among other things, to United States Letters Patent No. 1,877,991,

is property payable or held with respect to the aforesaid patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above and all interests and rights in the above identified agreement of each and every other national of the aforesaid foreign country (Germany), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 15, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3773; Filed, Apr. 27, 1948; 8:55 a. m.]

[Vesting Order 10954]

FRIEDA BLASS

In re: Debts owing to Frieda Blass. F-28-3287-C-1, F-28-3287-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Blass, whose last known address is Margetshoechheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Mount St. Vincent Co-Operative Building and Loan Association, 277 Broadway, New York, New York, arising out of an account, account numbered 1453 (1 of 10), maintained with the aforesaid Association, said account evidenced by Passbook 1453 "1 of 10," issued by the Mount St. Vincent Co-Operative Building and Loan Association, in Liquidation, and presently in the custody of Carlos A. Hepp. 223 Glenwood Road, Englewood, New Jersey, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of the aforesaid Passbook, and any rights in and under a plan of liquidation, and

b. Those certain debts or other obligations evidenced by two (2) checks drawn by the Mount St. Vincent Co-Operative Building and Loan Association, to the order of Carlos A. Hepp, Attorney-in-Fact for Frieda Blass, in the amounts of $227.75 and $75.91, said checks presently in the custody of the aforesaid Mount St. Vincent Co-Operative Building and Loan Association, 277 Broadway, New York, New York, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frieda Blass, the aforesaid national a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3774; Filed, Apr. 27, 1948; 8:56 a. m.]

[Vesting Order 11034]

ERICH HOGELHEIMER

In re: Income share certificate and bank account owned by Erich Hogelheimer also known as Erich Hoegelheimer. F-28-28473-A-1, F-28-28473-D-1, F-28-28473-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erich Hogelheimer also known as Erich Hoegelheimer, whose last known address is 21 A Guetersloh Province of West Falen -27 Muenster St, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One Income Share Certificate of the Center Savings and Loan Association of Clifton, New Jersey, 732 Main Avenue, Clifton, New Jersey, evidencing one share of $200.00 value, said certificate numbered I-366, registered in the name of Erich Hogelheimer and presently in the custody of the Center Savings and Loan Association of Clifton, New Jersey, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation owing to Erich Hogelheimer also known as Erich Hoegelheimer, by Clifton National Bank, 802 Main Avenue, Clifton, New Jersey, arising out of a Savings Account, Account Number 6688, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Erich Hogelheimer also known as Erich Hoegelheimer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3775; Filed, Apr. 27, 1948; 8:56 a. m.]

[Vesting Order 11091]

AUGUST AND JULIUS GLADZYEWSKI

In re: Debt owing to August Gladzyewski and Julius Gladzyewski. D-28-3906.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Gladzyewski and Julius Gladzyewski each of whose last known address is Germany, are residents of Germany and national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of John F. Gloockner, 603 Law and Finance Building, Pittsburgh 19, Pennsylvania, arising out of the distributive shares of the aforesaid nationals in the estate of Michael Gladzy, deceased, in the amount of $1,462.67, as of December 30, 1946, presently on deposit in the National Bank of America, Pittsburgh, Pennsylvania, in a savings account numbered A3933, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, August Gladzyewski and Julius Gladzyewski, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3776; Filed, Apr. 27, 1948; 8:56 a. m.]

[Vesting Order 11094]

AUGUST LEHNERT

In re: Bank account owned by August Lehnert. F-28-12948-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Lehnert, whose last known address is 51 Wilhelm Strasse, Ludwigsburg, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Mutual Bank and Trust Company, 716 Locust Street, St. Louis, Missouri, arising out of a savings account entitled August Lehnert, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3777; Filed, Apr. 27, 1948; 8:56 a. m.]

[Vesting Order 11096]

BETTY ROSENTHAL

In re: Bank account owned by Betty Rosenthal, also known as Betty Sarah Rosenthal Wiener. F-28-6855-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Betty Rosenthal, also known as Betty Sarah Rosenthal Wiener, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Betty Rosenthal, also known as Betty Sarah Rosenthal Wiener, by Union Bank & Trust Co. of Los Angeles, 760 South Hill Street, Los Angeles 55, California, arising out of a Term Savings Account, account number 85692, entitled Betty Rosenthal, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3779; Filed, Apr. 27, 1948; 8:57 a. m.]

[Vesting Order 11095]

RICHARD PAULIG

In re: Bank accounts owned by Richard Paulig. F-28-15020-E-1, F-28-15020-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and

Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Paulig, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Richard Paulig, by The Marine Midland Trust Company of New York, 120 Broadway, New York, New York, arising out of a Checking Account, entitled Richard Paulig, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Richard Paulig, by The Riggs National Bank of Washington, D. C., arising out of a Checking Account, entitled Richard Paulig, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3778; Filed, Apr. 27, 1948; 8:57 a. m.]

[Vesting Order 11097]

JOHANNA SCHMUDERER

In re: Debt owing to Johanna Schmuderer. D-28-11923.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Schmuderer, whose last known address is Grafenwiesen, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of F. P. Anderwald, as Liquidating Agent for Mannhardt and von Helmolt, 77 West Washington Street, Chicago 2, Illinois, representing the distributive share of the aforesaid national in the estate of Francis Bossert, deceased, in the amount of $132.90, as of May 31, 1947, presently on deposit in the First National Bank of Chicago, Chicago, Illinois, in an account entitled Mannhardt and von Helmolt B account, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3780; Filed, Apr. 27, 1948; 8:57 a. m.]

[Vesting Order 11098]

BENEDICT SCHOENFELD & CO.

In re: Bank account owned by Benedict Schoenfeld & Co. F-28-5196-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Benedict Schoenfeld & Co., the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Benedict Schoenfeld & Co., by the New York Trust Company, 100 Broadway, New York, New York, arising out of a Checking Account, entitled Benedict Schoenfeld & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3781; Filed, Apr. 27, 1948; 8:57 a. m.]

[Vesting Order 11099]

ADOLF SILOMON

In re: Debt owing to Adolf Silomon. F-28-26082-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Silomon, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Adolf Silomon, by Anderson, Clayton & Co., P. O. Box 2538, Houston, Texas, in the amount of $208.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3782; Filed, Apr. 27, 1948; 8:57 a. m.]

[Vesting Order 11101]

LUDWIG WENZ

In re: Bank account owned by Ludwig Wenz. F-28-25694-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Wenz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property decribed as follows: That certain debt or other obligation of The Seamen's Bank for Savings in the City of New York, 74 Wall Street, New York 5, New York, arising out of an account, account number 1,074,131, entitled George P. Brauburger, in Trust for Ludwig Wenz, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ludwig Wenz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3783; Filed, Apr. 27, 1948; 8:57 a. m.]

[Return Order 110]

NICHOLAS G. LOUMAKOS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Nicolas G. Loumakos, Neohorion, Gythion, Greece, Claim No. 5623, March 17, 1948 (13 F. R. 1393); $1,305.16 in the Treasury of the United States; 25 shares of common stock Great National Insurance Co. $10 par value registered in the name of the Attorney General, presently in custody of the Comptroller, Office of Alien Property, New York, N. Y.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3784; Filed, Apr. 27, 1948; 8:57 a. m.]

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[1] Filed as part of the original document.